

**FILED**

**FEB 21 2014**

Clerk, U.S. District Court  
District Of Montana  
Helena

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

JEFFREY HARDMAN,

Petitioner,

vs.

No. CV 13-141-BLG-SEH

**ORDER**

MARTIN FRINK; ATTORNEY  
GENERAL OF THE STATE OF  
MONTANA; SUPREME COURT OF  
THE STATE OF MONTANA,

Respondents.

On February 3, 2014, United States Magistrate Carolyn S. Ostby entered her Findings and Recommendation<sup>1</sup> in this matter. Petitioner did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986). However, this Court will review Judge Strong's Findings and Recommendation for clear error.

---

<sup>1</sup> Doc. 5.

Upon review, I find no clear error in Judge Ostby's Findings and Recommendation and adopt them in full.

ORDERED:

1. Petitioner's Application to Proceed in Forma Pauperis<sup>2</sup> is DENIED AS MOOT.
2. Petitioner's petition for writ of habeas corpus<sup>3</sup> is DISMISSED WITHOUT PREJUDICE for failing to exhaust all state remedies.
2. The Clerk of Court is directed to enter a judgment of dismissal.
3. A certificate of appealability is DENIED. Any appeal would be taken in bad faith as all state remedies have not been exhausted.

DATED this 21<sup>st</sup> day of February, 2014.



SAM E. HADDON  
SAM E. HADDON  
United States District Judge

---

<sup>2</sup> Doc. 2.

<sup>3</sup> Doc. 1.